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PTO/SB/17 (10-04)

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FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 170.00

Complete if Known

Application Number	09/650,733
Filing Date	30 August 2000
First Named Inventor	Alejandro Pilato
Examiner Name	Richard C. Fults
Art Unit	3628
Attorney Docket No.	1011-002

METHOD OF PAYMENT (check all that apply)☐ Check ☒ Credit card ☐ Money Order ☐ Other ☐ None☐ Deposit Account:Deposit Account Number
Deposit Account Name

50-2504

Michael N. Haynes

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	790	2001	395	Utility filing fee	
1002	350	2002	175	Design filing fee	
1003	550	2003	275	Plant filing fee	
1004	790	2004	395	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$) 0

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

	Total Claims	Extra Claims	Fee from below	Fee Paid
		-20** =	X	
Independent Claims		-3** =	X	
Multiple Dependent				

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	88	2201	44	Independent claims in excess of 3
1203	300	2203	150	Multiple dependent claim, if not paid
1204	88	2204	44	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) 0

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	430	2252	215	Extension for reply within second month	
1253	980	2253	490	Extension for reply within third month	
1254	1,530	2254	765	Extension for reply within fourth month	
1255	2,080	2255	1,040	Extension for reply within fifth month	
1401	340	2401	170	Notice of Appeal	
1402	340	2402	170	Filing a brief in support of an appeal	170
1403	300	2403	150	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,370	2501	685	Utility issue fee (or reissue)	
1502	490	2502	245	Design issue fee	
1503	660	2503	330	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	2809	395	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR 1.129(b))	
1801	790	2801	395	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 170

SUBMITTED BY

(Complete if applicable)

Name (Print/Type)	Michael N. Haynes	Registration No. (Attorney/Agent)	40,014	Telephone	434 972 9988
Signature		Date	28 October 2004		

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PTO/SB/17 Fee Transmittal Form (1 sheet)

PTO-2038 Credit Card Payment Form (1 sheet)

Appeal Brief (52 sheets)

Appendix A: Claims Appendix (19 sheets)

Appendix B: Declaration Under 37 CFR 1.132 (9 sheets)

Serial No. 09/650,733
Application Filing Date: 30 August 2000
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Docket: 1011-002
Inventor: Alejandro M. Pilato

28 October 2004
Date

Martha Sanchez
Name of Person Making Deposit

Martha Sanchez
Signature of Person Making Deposit



PATENT

Serial No. 09/650,733

Attorney Docket No. 1011-002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Alejandro M. Pilato
Serial No. : 09/650,733
Filed : 30 August 2000
For : METHOD AND SYSTEM FOR PROVIDING FINANCIAL
FUNCTIONS
Art Unit : 3628
Examiner : Richard C. Fults

Mail Stop Appeal Brief-Patents

Commissioner for Patents

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APPEAL BRIEF

Sir:

The Applicants respectfully submit this appeal brief in response to the Office Action of 8 March 2004 finally rejecting each of the pending claims 1-139. This Appeal Brief is in furtherance of the Notice of Appeal filed 1 September 2004.

I. REAL PARTY IN INTEREST

The real party in interest is Traderisks, Inc., a corporation having a place of business at 9

East Loockerman Street, Dover, Delaware 19901.

II. RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences.

III. STATUS OF CLAIMS

Claims 1-139 are pending in this application and have been finally rejected. Claims 1-139 are the subject of this appeal.

IV. STATUS OF AMENDMENTS

A reply to the final rejection was filed on 7 July 2004. That reply sought to amend claim 112. In the Advisory Action dated 24 August 2004, entry of the amendment of claim 112 was denied without explanation.

V. SUMMARY OF CLAIMED SUBJECT MATTER

Independent claim 1

Claim 1 recites a computer-assisted method (see at least page 25, lines 1-25; FIGs. 1, 2, 3) for providing financial functions by an agent (see at least Title; page 1, lines 5-7; page 16, line 28 through page 17, line 3) for each of a plurality of institutional or corporate clients (see at least page 30, lines 7-9; page 17, lines 10-12; page 19, lines 8-13). The method comprises a plurality of activities (see at least FIG. 1), including, relating to a financial function of each client (see at least page 1, lines 5-7):

demonstrating that more than one activity of the agent is transparent to the client (see at least FIG. 1, element 1010; page 11, line 4 to page 12, line 29; page 17, lines 27-28);

receiving financial information at a computer of the agent (see at least FIG. 1, element 1020; FIG. 2, element 2500; page 18, lines 3-10);

creating risk management information relating to the financial information (see at least FIG. 1, element 1040; page 19, line 29);

analyzing the risk management information in the context of the financial information (see at least FIG. 1, element 1050; page 21, line 25 through page 22, line 5);

determining an action based on the analysis (see at least FIG. 1, element 1060; page 22, lines 27-28);

facilitating implementation of the action on behalf of the client (see at least FIG. 1, element 1070; page 23, lines 19-20); and

communicating with the client (see at least FIG. 2, element 2100) through a network (see at least FIG. 2, element 2900) one or more activities of the agent (see at least FIG. 1, elements 1025, 1045, 1055, 1065, and 1075; page 25, lines 5-6).

Dependent claim 15

To independent claim 1, claim 15 adds the limitation that the activity of communicating includes allowing the client to monitor across a network one or more activities of the agent (see at least page 11, lines 4-20; page 18, lines 1-2; page 25, lines 5-13).

Dependent claim 16

To independent claim 1, claim 16 adds the limitation that the activity of communicating includes allowing the client to monitor in real-time across a network one or more activities of the agent (see at least page 7, lines 11-19; page 11, lines 4-20; page 18, lines 1-2; page 25, lines 5-13).

Dependent claim 17

To independent claim 1, claim 17 adds the limitation that the activity of communicating includes

allowing the client to monitor in near-real-time across a network one or more activities of the agent (see at least page 7, lines 11-19; page 11, lines 4-20; page 18, lines 1-2; page 25, lines 5-13).

Dependent claim 52

To independent claim 1, claim 52 adds the limitation that the financial function includes repo funding (see at least page 32, lines 24-25).

Dependent claim 53

To independent claim 1, claim 53 adds the limitation that the financial function includes debt management (see at least page 2, lines 18-20).

Dependent claim 54

To independent claim 1, claim 54 adds the limitation that the financial function includes debt issuance (see at least page 32, lines 20-22).

Dependent claim 55

To independent claim 1, claim 55 adds the limitation that the financial function includes asset and liability management (see at least page 2, lines 18-20).

Dependent claim 56

To independent claim 1, claim 56 adds the limitation that the financial function includes asset and liability management and wherein the assets include insurance premia (see at least page 5, lines 14-28; and page 35, lines 21-30).

Dependent claim 57

To independent claim 1, claim 57 adds the limitation that the financial function includes asset and

liability management and wherein the liabilities include insurance claims (see at least page 5, lines 14-28; and page 35, lines 21-30).

Dependent claim 58

To independent claim 1, claim 58 adds the limitation that the financial function includes asset and liability management and wherein the assets include life insurance premia (see at least page 5, lines 14-28; and page 35, lines 21-30).

Dependent claim 59

To independent claim 1, claim 59 adds the limitation that the financial function includes asset and liability management and wherein the liabilities include life insurance claims (see at least page 5, lines 14-28; and page 35, lines 21-30).

Dependent claim 60

To independent claim 1, claim 60 adds the limitation that the financial function includes asset and liability management and wherein the liabilities include pension claims (see at least page 5, lines 14-28; and page 35, lines 14-19).

Dependent claim 61

To independent claim 1, claim 61 adds the limitation that the financial function includes asset and liability management and wherein the liabilities include legal claims (see at least page 5, lines 14-28; and page 40, lines 11-19).

Dependent claim 62

To independent claim 1, claim 62 adds the limitation that the financial function includes asset and liability management wherein the assets include leases (see at least page 5, lines 14-28).

Dependent claim 63

To independent claim 1, claim 63 adds the limitation that the financial function includes asset and liability management wherein the liabilities include leases (see at least page 5, lines 14-28).

Dependent claim 64

To independent claim 1, claim 64 adds the limitation that the financial function includes asset and liability management wherein the assets include operational cashflows (see at least page 5, lines 14-28).

Dependent claim 65

To independent claim 1, claim 65 adds the limitation that the financial function includes asset and liability management wherein the liabilities include operational cashflows (see at least page 5, lines 14-28).

Dependent claim 66

To independent claim 1, claim 66 adds the limitation that the financial function includes treasury management (see at least page 2, lines 16-30).

Dependent claim 67

To independent claim 1, claim 67 adds the limitation that the financial function includes credit management (see at least page 2, lines 16-30).

Dependent claim 68

To independent claim 1, claim 68 adds the limitation that the financial function includes credit spread trading (see at least page 2, lines 16-30).

Dependent claim 69

To independent claim 1, claim 69 adds the limitation that the financial function includes loan portfolio management (see at least page 2, lines 16-30).

Dependent claim 70

To independent claim 1, claim 70 adds the limitation that the financial function includes equity portfolio management (see at least page 5, lines 14-28).

Dependent claim 71

To independent claim 1, claim 71 adds the limitation that the financial function includes fixed income portfolio management (see at least page 35, lines 14-19).

Dependent claim 72

To independent claim 1, claim 72 adds the limitation that the financial function includes funding (see at least page 2, lines 16-30).

Dependent claim 73

To independent claim 1, claim 73 adds the limitation that the financial function includes collateral management (see at least page 2, lines 16-30).

Dependent claim 74

To independent claim 1, claim 74 adds the limitation that the financial function includes the lending of securities (see at least page 3, lines 22-24).

Dependent claim 75

To independent claim 1, claim 75 adds the limitation that the financial function includes the borrowing of securities (see at least page 3, lines 22-24).

Dependent claim 76

To independent claim 1, claim 77 adds the limitation that the financial function includes counterparty credit exposure management (see at least page 5, lines 14-28).

Dependent claim 78

To independent claim 1, claim 78 adds the limitation that the financial function includes market risk management (see at least page 2, lines 16-30).

Dependent claim 79

To independent claim 1, claim 79 adds the limitation that the financial function includes credit risk management (see at least page 2, lines 16-30).

Dependent claim 80

To independent claim 1, claim 80 adds the limitation that the financial function includes commodity price risk management (see at least page 2, lines 16-30).

Dependent claim 81

To independent claim 1, claim 81 adds the limitation that the financial function includes liquidity risk management (see at least page 2, lines 16-30).

Dependent claim 82

To independent claim 1, claim 82 adds the limitation that the financial function includes operational risk management (see at least page 4, lines 12-16).

Dependent claim 83

To independent claim 1, claim 83 adds the limitation that the financial function includes management of insurable risks (see at least page 5, lines 14-28).

Dependent claim 84

To independent claim 1, claim 84 adds the limitation that the financial function includes electricity price risk management (see at least page 5, lines 14-28).

Dependent claim 85

To independent claim 1, claim 85 adds the limitation that the financial function includes pension fund management (see at least page 5, lines 14-28).

Dependent claim 86

To independent claim 1, claim 86 adds the limitation that the financial function includes real estate management (see at least page 5, lines 14-28).

Dependent claim 87

To independent claim 1, claim 87 adds the limitation that the financial function includes hedging (see at least page 3, lines 1-8).

Dependent claim 88

To independent claim 1, claim 88 adds the limitation that the financial function includes dynamic hedging (see at least page 3, lines 1-8; and page 14, lines 6-13).

Dependent claim 89

To independent claim 1, claim 89 adds the limitation that the financial function includes mortgage pre-payment risk management (see at least page 34, lines 23-27).

Dependent claim 90

To independent claim 1, claim 90 adds the limitation that the financial function includes front-office activities (see at least page 3, lines 1-8).

Dependent claim 91

To independent claim 1, claim 91 adds the limitation that the financial function includes middle-office activities (see at least page 3, lines 1-3).

Dependent claim 92

To independent claim 1, claim 92 adds the limitation that the financial function includes back-office activities (see at least page 3, lines 1-3).

Dependent claim 93

To independent claim 1, claim 93 adds the limitation that the financial function includes front-office and middle-office activities (see at least page 3, lines 1-3).

Dependent claim 94

To independent claim 1, claim 94 adds the limitation that the financial function includes middle-office and back-office activities (see at least page 3, lines 1-3).

Dependent claim 95

To independent claim 1, claim 95 adds the limitation that the financial function includes front-office, middle-office and back-office activities (see at least page 3, lines 1-3).

Independent claim 112

Claim 112 recites a computer-readable medium (see at least FIG. 3, element 3300; page 28, lines 21-26) storing instructions (see at least FIG. 3, element 3400; page 28, lines 21-23) that, when executed by one or more processors (see at least FIG. 3, element 3200; page 28, lines 21-23), cause the one or more processors to perform activities (see at least page 28, lines 21-23). Those activities comprise:

relating to a financial function (see at least Title; page 1, lines 5-7; page 16, line 28 through page 17, line 3) of each of a plurality of institutional or corporate clients (see at least page 30, lines 7-9; page 17, lines 10-12; page 19, lines 8-13):

demonstrating that more than one activity of the agent is transparent to the client; (see at least FIG. 1, element 1010; page 11, line 4 to page 12, line 29; page 17, lines 27-28);

receiving financial information at a computer of the agent (see at least FIG. 1, element 1020; FIG. 2, element 2500; page 18, lines 3-10);

creating risk management information relating to the financial information (see at least FIG. 1, element 1040; page 19, line 29);

analyzing the risk management information in the context of the financial information (see at least FIG. 1, element 1050; page 21, line 25 through page 22, line 5);

determining an action based on the analysis (see at least FIG. 1, element 1060; page 22, lines 27-28);

facilitating implementation of the action on behalf of the client (see at least FIG. 1, element 1070; page 23, lines 19-20); and

communicating through a network (see at least FIG. 2, element 2900) with the client (see at least FIG. 2, element 2100) one or more activities of the agent (see at least FIG. 1, elements 1025, 1045, 1055, 1065, and 1075; page 25, lines 5-6).

Independent claim 113

Claim 113 recites an apparatus (see at least FIG. 2, element 2500; FIG. 3, elements 300) for providing financial functions by an agent (see at least Title; page 1, lines 5-7; page 16, line 28 through page 17, line 3) for each of a plurality of institutional or corporate clients (see at least page 30, lines 7-9; page 17, lines 10-12; page 19, lines 8-13). The apparatus comprises:

relating to a financial function of each client (see at least Title; page 1, lines 5-7; page 16, line 28 through page 17, line 3):

means for demonstrating that more than one activity of the agent is transparent to the client (see at least FIG. 1, element 1010; page 11, line 4 to page 12, line 29; page 17, lines 27-28; FIG. 2, element 2500; FIG. 3, element 300; page 25, line 27 to page 29, line 10);

means for receiving financial information at a computer of the agent (see at least FIG. 1, element 1020; FIG. 2, element 2500; FIG. 3, element 300; page 18, lines 3-10; page 25, line 27 to page 29, line 10);

means for creating risk management information relating to the financial information (see at least FIG. 1, element 1040; FIG. 2, element 2500; FIG. 3, element 300; page 19, line 29; page 25, line 27 to page 29, line 10);

means for analyzing the risk management information in the context of the financial information (see at least FIG. 1, element 1050; FIG. 2, element 2500; FIG. 3, element 300; page 21, line 25 through page 22, line 5; page 25, line 27 to page 29, line 10);

means for determining an action based on the analysis (see at least FIG. 1, element 1060; FIG. 2, element 2500; FIG. 3, element 300; page 22, lines 27-28; page 25, line 27 to page 29, line 10);

means for facilitating implementation of the action on behalf of the client (see at least FIG. 1, element 1070; FIG. 2, element 2500; FIG. 3, element 300; page 23, lines 19-

20; page 25, line 27 to page 29, line 10); and

means for communicating to the client through a network one or more activities of the agent (see at least FIG. 1, elements 1025, 1045, 1055, 1065, and 1075; FIG. 2, elements 2100, 2500, 2900; FIG. 3, element 300; page 25, lines 1-25; page 25, line 27 to page 29, line 10).

Independent Claim 114

Claim 114 recites a computer-assisted method (see at least page 25, lines 1-4; FIGs. 1, 2, 3) for a client to outsource financial functions to an agent (see at least Title; page 1, lines 5-7; page 16, line 28 through page 17, line 3) representing a plurality of institutional or corporate clients (see at least page 30, lines 7-9; page 17, lines 10-12; page 19, lines 8-13), comprising the activities of:

providing financial information on one or more financial functions of each client (see at least page 1, lines 5-7) to a computer of the agent (see at least FIG. 1, elements 1020, 1025; FIG. 2, elements 2100, 2900, 2500; page 18, lines 3-10; page 25, lines 1-25);

enabling the agent to determine an action based on an analysis of risk management information created from the financial information (see at least FIG. 1, element 1050; FIG. 2, element 2500; FIG. 3, element 300; page 21, line 25 through page 22, line 5); and

allowing the agent to facilitate the implementation of the action (see at least FIG. 1, element 1070; FIG. 2, element 2500; FIG. 3, element 300; page 23, lines 19-20).

Independent claim 136

Claim 136 recites a computer-readable medium (see at least FIG. 3, element 3300; page 28, lines 21-26) storing instructions (see at least FIG. 3, element 3400; page 28, lines 21-23) that, when executed by one or more processors (see at least FIG 3, element 3200; page 28, lines 21-23), cause the one or more processors to perform activities (see at least page 28, lines 21-23). Those activities comprise:

providing financial information on one or more financial functions (see at least Title; page 1, lines 5-7; page 16, line 28 through page 17, line 3) of an institutional or corporate client (see at least page 30, lines 7-9; page 17, lines 10-12; page 19, lines 8-13) to an agent (see at least FIG. 1, elements 1020, 1025; FIG. 2, elements 2100, 2900, 2500; page 18, lines 3-10; page 25, lines 1-25);

enabling the agent to determine an action based on an analysis of risk management information created from the financial information (see at least FIG. 1, element 1050; FIG. 2, element 2500; FIG. 3, element 300; page 21, line 25 through page 22, line 5); and

allowing the agent to facilitate the implementation of the action (see at least FIG. 1, element 1070; FIG. 2, element 2500; FIG. 3, element 300; page 23, lines 19-20).

Independent claim 137

Claim 137 recites an apparatus (see at least FIG. 2, element 2500; FIG. 3, elements 300) for a client to outsource financial functions to an agent (see at least Title; page 1, lines 5-7; page 16, line 28 through page 17, line 3) representing a plurality of institutional or corporate clients (see at least page 30, lines 7-9; page 17, lines 10-12; page 19, lines 8-13), comprising:

means for providing financial information on one or more financial functions of each client (see at least page 1, lines 5-7) to a computer of the agent (see at least FIG. 1, elements 1020, 1025; FIG. 2, elements 2100, 2900, 2500; page 18, lines 3-10; page 25, lines 1-25; page 25, lines 1-25; page 25, line 27 to page 29, line 10);

means for enabling the agent to determine an action based on an analysis of risk management information created from the financial information (see at least FIG. 1, element 1050; FIG. 2, element 2500; FIG. 3, element 300; page 21, line 25 through page 22, line 5; page 25, lines 1-25; page 25, line 27 to page 29, line 10); and

means for allowing the agent to facilitate the implementation of the action (see at least FIG. 1, element 1070; FIG. 2, element 2500; FIG. 3, element 300; page 23, lines 19-20; page 25,

lines 1-25; page 25, line 27 to page 29, line 10).

Independent claim 138

Claim 138 recites a computer-assisted method (see at least page 25, lines 1-4; FIGs. 1, 2, 3) for an agent to provide financial functions (see at least Title; page 1, lines 5-7; page 16, line 28 through page 17, line 3) to each (see at least page 16, line 28 through page 17, line 3) of a plurality of institutional or corporate clients (see at least page 30, lines 7-9; page 17, lines 10-12; page 19, lines 8-13), comprising the activities of:

regarding a financial function of a client from the plurality of clients (see at least Title; page 1, lines 5-7; page 16, line 28 through page 17, line 3):

demonstrating to the client the potential transparency of activities of the agent (see at least FIG. 1, element 1010; page 11, line 4 to page 12, line 29; page 17, lines 27-28);

receiving financial information at a computer of the agent (see at least FIG. 1, element 1020; FIG. 2, element 2500; page 18, lines 3-10);

analyzing risk management information created from, and in the context of, the financial information (see at least FIG. 1, element 1050; page 21, line 25 through page 22, line 5); and

facilitating implementation, on behalf of the client, of an agent's action based on the analysis (see at least FIG. 1, element 1070; page 23, lines 19-20).

Independent claim 139

Claim 139 recites a computer-assisted method (see at least page 25, lines 1-4; FIGs. 1, 2, 3) for an agent to provide financial functions to each (see at least Title; page 1, lines 5-7; page 16, line 28 through page 17, line 3) of a plurality of institutional or corporate clients (see at least page 30, lines 7-9; page 17, lines 10-12; page 19, lines 8-13), comprising the activities of:

regarding a financial function of each client from the plurality of clients (see at least Title; page 1, lines 5-7; page 16, line 28 through page 17, line 3):

receiving financial information at a computer of the agent (see at least FIG.

1, element 1020; FIG. 2, element 2500; page 18, lines 3-10);

analyzing risk management information created from, and in the context of, the financial information (see at least FIG. 1, element 1050; page 21, line 25 through page 22, line 5);

facilitating implementation of a decision of the agent that is based on the analysis (see at least FIG. 1, element 1070; page 23, lines 19-20); and

enabling the client to monitor through a network activities of the agent (see at least FIG. 1, element 1010; page 11, line 4 to page 12, line 29; page 17, lines 27-28).

VI. GROUNDS OF REJECTION

Claims 1-139 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Atkins (U.S. Patent No. 5,644,727) in view of Jones (U.S. Patent No. 6,021,397).

VII. ARGUMENT¹

A. Generally

None of the cited references, either alone or in any combination, establish a *prima facie* case of obviousness. “To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to

¹ Out of profound respect for the enormity of the workload of the BPAI, Applicant deeply regrets that due to the quality of the examination of the claims of the present application, the apparent requirements of the rules for Appeals Briefs, and the need to protect the entirety of Applicant’s rights, arguments must be presented at this time

combine reference teachings. Second, there must be a reasonable expectation of success. Finally, **the prior art reference (or references when combined) must teach or suggest all the claim limitations.** The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure." *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

"The first requirement...[of] a showing of a suggestion, teaching, or motivation to combine the prior art references[,] is an 'essential evidentiary component of an obviousness holding.' *Brown & Williamson Tobacco Corp. v. Philip Morris Inc.*, 229 F.3d 1120, 56 USPQ2d 1456 (Fed. Cir. 2000) (citing *C.R. Bard, Inc. v. M3 Sys. Inc.*, 157 F.3d 1340, 1352, 48 USPQ2d 1225, 1232 (Fed. Cir. 1998).

To the extent that official notice is taken to support any rejection, Applicant respectfully traverses and requests citation and provision of a reference that properly supports that rejection. Any official notice of facts beyond the record must be "capable of such instant and unquestionable demonstration as to defy dispute" (*In re Ahlert*, 424 F.2d 1088, 1091, 165 USPQ 418, 420 (CCPA 1970) (citing *In re Knapp Monarch Co.*, 296 F.2d 230, 132 USPQ 6 (CCPA 1961)). Alleged prior knowledge in the field of the invention must be supported by tangible teachings of reference materials. *Cardiac Pacemakers, Inc. v. St. Jude Medical, Inc.* Nos. 02-1532, -1559 (Fed. Cir., Aug. 31, 2004). In this situation, the noticed facts unquestionably fail to meet these requirements.

For example, Applicant traverses as legally insufficient the continued assertion of "common sense" (see first paragraph of Office Action dated 3 March 2004) as a motivation or suggestion to combine Atkins with Jones, and Applicant respectfully requests a specific citation and provision of a reference that provides the alleged motivation or suggestion to combine these particular references. This is an "essential evidentiary component of [the] obviousness holding."

As another example, Applicant traverses as legally insufficient the assertion that "the

for a relatively large number of groups of claims and individual claims.

practice of outsourcing per se is old and well known” (see first full paragraph of page 5 of Office Action dated 8 March 2004). Applicant respectfully requests a specific citation and provision of a reference that properly evidences the assertion, regardless of whether the assertion is being relied upon to provide a motivation for the combination of Atkins and Jones or whether it is an attempt to compensate for the deficiencies of Atkins and Jones.

No Examiner interview has yet been held with respect to the present application. To the extent that any rejection relies upon alleged statements by the Applicant at an interview involving the present application or a different patent application (as implied in the first full paragraph on page 5 of Office Action dated 8 March 2004), Applicant respectfully requests contemporaneous documentation of the specific statements upon which the rejection relies.

B. Claims 1-139

Claims 1-139 recite an “agent”.

Claims 1-139 recite either an “institutional or corporate client” or “a plurality of institutional or corporate clients”.

1. What is an “Agent”?

Claim construction analysis begins with the intrinsic evidence. *Vitronics Corp. v. Conceptronic, Inc.*, 90 F.3d 1576, 1582 (Fed. Cir. 1996). It is well-established that the patentee can act as his own lexicographer, so long as he clearly states any special definitions of the claim terms in the patent specification or file history. *Id.* Even when guidance is not provided in explicit definitional format, “the specification may define claim terms ‘by implication’ such that the meaning may be ‘found in or ascertained by a reading of the patent documents.’” *Bell Atl. Network Servs., Inc. v. Covad Communications Group, Inc.*, 262 F.3d 1258, 1268 (Fed. Cir. 2001) (quoting *Vitronics*, 90 F.3d at 1582, 1584 n.6).

As explicitly defined at line 12 on page 10 of the application, an “agent” is a “financial

risk manager". That definition must control examination of those claims that recite the term "agent", which are all claims of the present application.

Of record in the prosecution of the current application is a 37 CFR § 1.132 Declaration of Dr. William W. Sihler, a professor of Business Administration and Finance at University of Virginia, and one skilled in the art of financial management and financial services. No evidence has been properly presented to contradict any aspect of Dr. Sihler's Declaration.

Paragraphs 10-14 of the uncontroverted Declaration of Dr. Sihler establish that one skilled in the art would not find that Atkins teaches or suggests an "agent" as that term is explicitly defined in the present application.

Paragraph 15 of Dr. Sihler's Declaration establishes that one skilled in the art would not find that Jones teaches or suggests an "agent" as that term is explicitly defined in the present application.

As has been continually recognized in the Office Actions, "Atkins does not explicitly teach an agent." Jones does not cure Atkins' deficiency or in any way teach or suggest an "agent" as that term is explicitly defined in the present application.

Thus, the prior art references fail to teach or suggest all the claim limitations. Consequently, no *prima facie* case of obviousness has been established for any claim of the application.

2. Who is the "client"?

Each of claims 1-139 recite either an "**institutional or corporate client**" or "a plurality of institutional or corporate clients".

Paragraphs 16-18 of Dr. Sihler's Declaration establish that one skilled in the art would not view the recitation of an "institutional or corporate client" as merely an intended use, but instead would view those words as required limitations of each of claims 1-139 and defining the type of "client" cited in those claims.

As evidenced by paragraphs 19-22 of Dr. Sihler's Declaration, one skilled in the art would not find that Atkins expressly or inherently teaches or suggests an "institutional or corporate client". Instead, Atkins allegedly discloses a "a method and apparatus for effecting an improved **personal** financial analysis, planning and management system...". See "Summary of the Invention" at col. 7, lines 19-21.

Jones allegedly discloses a "financial advisory system" via which "return scenarios for optimized portfolio allocations are simulated interactively to facilitate financial product selection." See Abstract. In his description of the "Background of the Invention", Jones argues that "[i]n view of the foregoing, what is needed is a financial advisory system that employs advanced financial techniques to provide financial advice **to individuals** on how to reach specific financial goals." See col. 2, lines 13-17. The "specific advice" provided to the user of Jones regards "steps they can take to improve their chances of meeting their financial goals while taking into consideration the user's **personal** tradeoffs among risk, savings, and **retirement age**." See col. 2, lines 40-45.

Thus, like Atkins, Jones does not expressly or inherently teach or suggest "a plurality of institutional or corporate clients". This conclusion is further evidenced by paragraphs 23-25 of Dr. Sihler's Declaration, which establishes that one skilled in the art would not find that Jones teaches an "institutional or corporate client".

Thus, the prior art references fail to teach or suggest all the claim limitations. Consequently, no *prima facie* case of obviousness has been established for any claim of the application.

3. What other claim limitations are missing from Atkins and Jones?

As is relevant to various claims of the present application (to be discussed below), Dr. Sihler's Declaration evidences additional facts.

Paragraphs 26-27 of Dr. Sihler's Declaration establish that one skilled in the art would not

find that Atkins teaches or suggests “receiving financial information at the agent” or “receiving financial information at a computer of the agent”.

Paragraph 28 of Dr. Sihler’s Declaration establishes that one skilled in the art would not find that Jones teaches or suggests “receiving financial information at the agent” or “receiving financial information at a computer of the agent”.

Paragraphs 29-31 of Dr. Sihler’s Declaration establish that one skilled in the art would not find that Atkins teaches or suggests “demonstrating to the client the potential transparency of activities of the agent....”, “transparency of activities of the agent”, or “transparency” as those terms are used in the present application.

Paragraphs 32-35 of Dr. Sihler’s Declaration establish that one skilled in the art would not find that Jones teaches or suggests “demonstrating to the client the potential transparency of activities of the agent....”, “transparency of activities of the agent”, or “transparency” as those terms are used in the present application.

Paragraphs 36-38 of Dr. Sihler’s Declaration establish that one skilled in the art would not find that Atkins teaches or suggests “enabling the agent to determine an action based on an analysis of risk management information created from the financial information”.

Paragraph 39 of Dr. Sihler’s Declaration establishes that one skilled in the art would not find that Jones teaches or suggests “enabling the agent to determine an action based on an analysis of risk management information created from the financial information”.

Paragraphs 40-42 of Dr. Sihler’s Declaration establish that one skilled in the art would not find that Atkins teaches or suggests “enabling the client to monitor through a network activities of the agent....”

Paragraph 43 of Dr. Sihler’s Declaration establishes that one skilled in the art would not find that Jones teaches or suggests “enabling the client to monitor through a network activities of the agent....”

C. Independent Claim 1

Claim 1 recites “a plurality of **institutional or corporate clients**”.

Claim 1 recites “receiving financial information at **a computer of the agent**”.

Claim 1 recites “demonstrating that more than one activity of the **agent** is **transparent** to the client”.

As evidenced by the uncontroverted statements in Dr. Sihler’s Declaration (cited in the General section, above), none of the cited references expressly or inherently teach or suggest any of these claim limitations. Thus, even if there were motivation or suggestion to modify or combine the cited references (an assumption for which no proper evidence has been presented and with which the applicant disagrees), and even if there were a reasonable expectation of success in combining or modify the cited references (another assumption for which no proper evidence has been presented and with which the applicant disagrees), the cited references still do not expressly or inherently teach or suggest every limitation of independent claim 1, and consequently fail to establish a *prima facie* case of obviousness. Consequently, reversal of this rejection is respectfully requested.

D. Independent Claim 112

Claim 112 recites “a plurality of **institutional or corporate clients**”.

Claim 112 recites “receiving financial information at **a computer of the agent**”.

Claim 112 recites “demonstrating that more than one activity of the **agent** is **transparent** to the client”.

As evidenced by the uncontroverted statements in Dr. Sihler’s Declaration (cited in the General section, above), none of the cited references expressly or inherently teach or suggest any of these claim limitations. Thus, even if there were motivation or suggestion to modify or combine the cited references (an assumption for which no proper evidence has been presented and with which the applicant disagrees), and even if there were a reasonable expectation of

success in combining or modify the cited references (another assumption for which no proper evidence has been presented and with which the applicant disagrees), the cited references still do not expressly or inherently teach or suggest every limitation of independent claim 112, and consequently fail to establish a *prima facie* case of obviousness. Consequently, reversal of this rejection is respectfully requested.

E. Independent Claim 113

Claim 113 recites “a plurality of **institutional or corporate clients**”.

Claim 113 recites “receiving financial information at a **computer of the agent**”.

Claim 113 recites “demonstrating that more than one activity of the **agent** is **transparent** to the client”.

As evidenced by the uncontroverted statements in Dr. Sihler’s Declaration (cited in the General section, above), none of the cited references expressly or inherently teach or suggest any of these claim limitations. Thus, if there were motivation or suggestion to modify or combine the cited references (an assumption for which no proper evidence has been presented and with which the applicant disagrees), and even if there were a reasonable expectation of success in combining or modify the cited references (another assumption for which no proper evidence has been presented and with which the applicant disagrees), the cited references still do not expressly or inherently teach or suggest every limitation of independent claim 113, and consequently fail to establish a *prima facie* case of obviousness. Consequently, reversal of this rejection is respectfully requested.

F. Independent Claim 114

Claim 113 recites “a plurality of **institutional or corporate clients**”.

Claim 113 recites “receiving financial information at a **computer of the agent**”.

Claim 114 recites “enabling the **agent** to determine an action based on an analysis of risk

management information created from the financial information.”

As evidenced by the uncontroverted statements in Dr. Sihler’s Declaration (cited in the General section, above), none of the cited references expressly or inherently teach or suggest any of these claim limitations. Thus, even if there were motivation or suggestion to modify or combine the cited references (an assumption for which no proper evidence has been presented and with which the applicant disagrees), and even if there were a reasonable expectation of success in combining or modify the cited references (another assumption for which no proper evidence has been presented and with which the applicant disagrees), the cited references still do not expressly or inherently teach or suggest every limitation of independent claim 114, and consequently fail to establish a *prima facie* case of obviousness. Consequently, reversal of this rejection is respectfully requested.

G. Independent Claim 136

Claim 136 recites “an **institutional or corporate client**”.

Claim 136 recites “providing financial information on one or more financial functions of an institutional or corporate client **to an agent**”.

Claim 136 recites “enabling the **agent** to determine an action based on an analysis of risk management information created from the financial information.”

As evidenced by the uncontroverted statements in Dr. Sihler’s Declaration (cited in the General section, above), none of the cited references expressly or inherently teach or suggest any of these claim limitations. Thus, even if there were motivation or suggestion to modify or combine the cited references (an assumption for which no proper evidence has been presented and with which the applicant disagrees), and even if there were a reasonable expectation of success in combining or modify the cited references (another assumption for which no proper evidence has been presented and with which the applicant disagrees), the cited references still do not expressly or inherently teach or suggest every limitation of independent claim 136, and

consequently fail to establish a *prima facie* case of obviousness. Consequently, reversal of this rejection is respectfully requested.

H. Independent Claim 137

Claim 137 recites “a plurality of **institutional or corporate clients**”.

Claim 137 recites “providing financial information on one or more financial functions of an institutional or corporate client **to an agent**”.

Claim 137 recites “enabling the **agent** to determine an action based on an analysis of risk management information created from the financial information.”

As evidenced by the uncontroverted statements in Dr. Sihler’s Declaration (cited in the General section, above), none of the cited references expressly or inherently teach or suggest any of these claim limitations. Thus, even if there were motivation or suggestion to modify or combine the cited references (an assumption for which no proper evidence has been presented and with which the applicant disagrees), and even if there were a reasonable expectation of success in combining or modify the cited references (another assumption for which no proper evidence has been presented and with which the applicant disagrees), the cited references still do not expressly or inherently teach or suggest every limitation of independent claim 137, and consequently fail to establish a *prima facie* case of obviousness. Consequently, reversal of this rejection is respectfully requested.

I. Independent Claim 138

Claim 138 recites “a plurality of **institutional or corporate clients**”.

Claim 138 recites “providing financial information on one or more financial functions of an institutional or corporate client **to an agent**”.

Claim 138 recites “demonstrating to the client the potential **transparency** of activities of the agent”.

As evidenced by the uncontroverted statements in Dr. Sihler's Declaration (cited in the General section, above), none of the cited references expressly or inherently teach or suggest any of these claim limitations. Thus, even if there were motivation or suggestion to modify or combine the cited references (an assumption for which no proper evidence has been presented and with which the applicant disagrees), and even if there were a reasonable expectation of success in combining or modify the cited references (another assumption for which no proper evidence has been presented and with which the applicant disagrees), the cited references still do not expressly or inherently teach or suggest every limitation of independent claim 138, and consequently fail to establish a *prima facie* case of obviousness. Consequently, reversal of this rejection is respectfully requested.

J. Independent Claim 139

Claim 139 recites "a plurality of **institutional or corporate clients**".

Claim 139 recites "receiving financial information at **a computer of the agent**".

Claim 139 recites "enabling the client to **monitor through a network** activities of the **agent**".

As evidenced by the uncontroverted statements in Dr. Sihler's Declaration (cited in the General section, above), none of the cited references expressly or inherently teach or suggest any of these claim limitations. Thus, even if there were motivation or suggestion to modify or combine the cited references (an assumption for which no proper evidence has been presented and with which the applicant disagrees), and even if there were a reasonable expectation of success in combining or modify the cited references (another assumption for which no proper evidence has been presented and with which the applicant disagrees), the cited references still do not expressly or inherently teach or suggest every limitation of independent claim 139, and consequently fail to establish a *prima facie* case of obviousness. Consequently, reversal of this rejection is respectfully requested.

K. Dependent claims 56, 58, and 62

To independent claim 1, claims 56, 58, adds the limitation that “the financial function includes asset and liability management and wherein the assets include” items such as “insurance premia”, “life insurance premia” and “leases” (plural, e.g., portfolios of premia and leases), which typically only certain “institutional and corporate clients” treat as “assets”. Thus, the cited references do not expressly or inherently teach or suggest every limitation of these claims. Moreover, the cited references provide no suggestion or motivation to provide the “management” of such “assets” “by an agent”. Thus, the rejections of these claims fail to establish a *prima facie* case of obviousness. Consequently, reversal of these rejections is respectfully requested.

L. Dependent claims 57, 59, 60, 61, and 63

To independent claim 1, claim 57, 59, 60, 61 adds the limitation that “the financial function includes asset and liability management and wherein the liabilities include” items such as “insurance claims”, “life insurance claims”, “pension claims” and “legal claims” (plural, e.g., portfolios of claims) which typically only certain “institutional and corporate clients” treat as “liabilities”. Thus, the cited references do not expressly or inherently teach or suggest every limitation of these claims. Moreover, the cited references provide no suggestion or motivation to provide the “management” of such “assets” “by an agent”. Thus, the rejections of these claims fail to establish a *prima facie* case of obviousness. Consequently, reversal of these rejections is respectfully requested.

M. Dependent claim 15

To independent claim 1, claim 15 adds the limitation that the activity of communicating includes allowing the client to monitor across a network one or more activities of the agent (see at

least page 11, lines 4-20; page 18, lines 1-2; page 25, lines 5-13). The rejections have not even addressed this claim limitation. Nevertheless, none of the cited references expressly or inherently teach or suggest this claim limitation. Thus, even if there were motivation or suggestion to modify or combine the cited references (an assumption for which no proper evidence has been presented and with which the applicant disagrees), and even if there were a reasonable expectation of success in combining or modify the cited references (another assumption for which no proper evidence has been presented and with which the applicant disagrees), the cited references still do not expressly or inherently teach or suggest every limitation of independent claim 139, and consequently fail to establish a *prima facie* case of obviousness. Consequently, reversal of this rejection is respectfully requested.

N. Dependent claim 16

To independent claim 1, claim 16 adds the limitation that the activity of communicating includes allowing the client to monitor in real-time across a network one or more activities of the agent (see at least page 7, lines 11-19; page 11, lines 4-20; page 18, lines 1-2; page 25, lines 5-13). The rejections have not even addressed this claim limitation. Nevertheless, none of the cited references expressly or inherently teach or suggest this claim limitation. Thus, even if there were motivation or suggestion to modify or combine the cited references (an assumption for which no proper evidence has been presented and with which the applicant disagrees), and even if there were a reasonable expectation of success in combining or modify the cited references (another assumption for which no proper evidence has been presented and with which the applicant disagrees), the cited references still do not expressly or inherently teach or suggest every limitation of independent claim 139, and consequently fail to establish a *prima facie* case of obviousness. Consequently, reversal of this rejection is respectfully requested.

O. Dependent claim 17

To independent claim 1, claim 17 adds the limitation that the activity of communicating includes allowing the client to monitor in near-real-time across a network one or more activities of the agent (see at least page 7, lines 11-19; page 11, lines 4-20; page 18, lines 1-2; page 25, lines 5-13). The rejections have not even addressed this claim limitation. Nevertheless, none of the cited references expressly or inherently teach or suggest this claim limitation. Thus, even if there were motivation or suggestion to modify or combine the cited references (an assumption for which no proper evidence has been presented and with which the applicant disagrees), and even if there were a reasonable expectation of success in combining or modify the cited references (another assumption for which no proper evidence has been presented and with which the applicant disagrees), the cited references still do not expressly or inherently teach or suggest every limitation of independent claim 139, and consequently fail to establish a *prima facie* case of obviousness. Consequently, reversal of this rejection is respectfully requested.

P. Dependent claim 52

To independent claim 1, claim 52 adds the limitation that the financial function includes repo funding (see at least page 32, lines 24-25). The rejections have not even addressed this claim limitation. Nevertheless, none of the cited references expressly or inherently teach or suggest this claim limitation. Thus, even if there were motivation or suggestion to modify or combine the cited references (an assumption for which no proper evidence has been presented and with which the applicant disagrees), and even if there were a reasonable expectation of success in combining or modify the cited references (another assumption for which no proper evidence has been presented and with which the applicant disagrees), the cited references still do not expressly or inherently teach or suggest every limitation of independent claim 139, and consequently fail to establish a *prima facie* case of obviousness. Consequently, reversal of this rejection is respectfully requested.

Q. Dependent claim 53

To independent claim 1, claim 53 adds the limitation that the financial function includes debt management (see at least page 2, lines 18-20). The rejections have not even addressed this claim limitation. Nevertheless, none of the cited references expressly or inherently teach or suggest this claim limitation. Thus, even if there were motivation or suggestion to modify or combine the cited references (an assumption for which no proper evidence has been presented and with which the applicant disagrees), and even if there were a reasonable expectation of success in combining or modify the cited references (another assumption for which no proper evidence has been presented and with which the applicant disagrees), the cited references still do not expressly or inherently teach or suggest every limitation of independent claim 139, and consequently fail to establish a *prima facie* case of obviousness. Consequently, reversal of this rejection is respectfully requested.

R. Dependent claim 54

To independent claim 1, claim 54 adds the limitation that the financial function includes debt issuance (see at least page 32, lines 20-22). The rejections have not even addressed this claim limitation. Nevertheless, none of the cited references expressly or inherently teach or suggest this claim limitation. Thus, even if there were motivation or suggestion to modify or combine the cited references (an assumption for which no proper evidence has been presented and with which the applicant disagrees), and even if there were a reasonable expectation of success in combining or modify the cited references (another assumption for which no proper evidence has been presented and with which the applicant disagrees), the cited references still do not expressly or inherently teach or suggest every limitation of independent claim 139, and consequently fail to establish a *prima facie* case of obviousness. Consequently, reversal of this rejection is respectfully requested.

S. Dependent claim 55

To independent claim 1, claim 55 adds the limitation that the financial function includes asset and liability management (see at least page 2, lines 18-20). The rejections have not even addressed this claim limitation. Nevertheless, none of the cited references expressly or inherently teach or suggest this claim limitation. Thus, even if there were motivation or suggestion to modify or combine the cited references (an assumption for which no proper evidence has been presented and with which the applicant disagrees), and even if there were a reasonable expectation of success in combining or modify the cited references (another assumption for which no proper evidence has been presented and with which the applicant disagrees), the cited references still do not expressly or inherently teach or suggest every limitation of independent claim 139, and consequently fail to establish a *prima facie* case of obviousness. Consequently, reversal of this rejection is respectfully requested.

T. Dependent claim 56

To independent claim 1, claim 56 adds the limitation that the financial function includes asset and liability management and wherein the assets include insurance premia (see at least page 5, lines 14-28; and page 35, lines 21-30). The rejections have not even addressed this claim limitation. Nevertheless, none of the cited references expressly or inherently teach or suggest this claim limitation. Thus, even if there were motivation or suggestion to modify or combine the cited references (an assumption for which no proper evidence has been presented and with which the applicant disagrees), and even if there were a reasonable expectation of success in combining or modify the cited references (another assumption for which no proper evidence has been presented and with which the applicant disagrees), the cited references still do not expressly or inherently teach or suggest every limitation of independent claim 139, and consequently fail to establish a *prima facie* case of obviousness. Consequently, reversal of this rejection is respectfully requested.

U. Dependent claim 57

To independent claim 1, claim 57 adds the limitation that the financial function includes asset and liability management and wherein the liabilities include insurance claims (see at least page 5, lines 14-28; and page 35, lines 21-30). The rejections have not even addressed this claim limitation. Nevertheless, none of the cited references expressly or inherently teach or suggest this claim limitation. Thus, even if there were motivation or suggestion to modify or combine the cited references (an assumption for which no proper evidence has been presented and with which the applicant disagrees), and even if there were a reasonable expectation of success in combining or modify the cited references (another assumption for which no proper evidence has been presented and with which the applicant disagrees), the cited references still do not expressly or inherently teach or suggest every limitation of independent claim 139, and consequently fail to establish a *prima facie* case of obviousness. Consequently, reversal of this rejection is respectfully requested.

V. Dependent claim 58

To independent claim 1, claim 58 adds the limitation that the financial function includes asset and liability management and wherein the assets include life insurance premia (see at least page 5, lines 14-28; and page 35, lines 21-30). The rejections have not even addressed this claim limitation. Nevertheless, none of the cited references expressly or inherently teach or suggest this claim limitation. Thus, even if there were motivation or suggestion to modify or combine the cited references (an assumption for which no proper evidence has been presented and with which the applicant disagrees), and even if there were a reasonable expectation of success in combining or modify the cited references (another assumption for which no proper evidence has been presented and with which the applicant disagrees), the cited references still do not expressly or inherently teach or suggest every limitation of independent claim 139, and consequently fail to

establish a *prima facie* case of obviousness. Consequently, reversal of this rejection is respectfully requested.

W. Dependent claim 59

To independent claim 1, claim 59 adds the limitation that the financial function includes asset and liability management and wherein the liabilities include life insurance claims (see at least page 5, lines 14-28; and page 35, lines 21-30). The rejections have not even addressed this claim limitation. Nevertheless, none of the cited references expressly or inherently teach or suggest this claim limitation. Thus, even if there were motivation or suggestion to modify or combine the cited references (an assumption for which no proper evidence has been presented and with which the applicant disagrees), and even if there were a reasonable expectation of success in combining or modify the cited references (another assumption for which no proper evidence has been presented and with which the applicant disagrees), the cited references still do not expressly or inherently teach or suggest every limitation of independent claim 139, and consequently fail to establish a *prima facie* case of obviousness. Consequently, reversal of this rejection is respectfully requested.

X. Dependent claim 60

To independent claim 1, claim 60 adds the limitation that the financial function includes asset and liability management and wherein the liabilities include pension claims (see at least page 5, lines 14-28; and page 35, lines 14-19). The rejections have not even addressed this claim limitation. Nevertheless, none of the cited references expressly or inherently teach or suggest this claim limitation. Thus, even if there were motivation or suggestion to modify or combine the cited references (an assumption for which no proper evidence has been presented and with which the applicant disagrees), and even if there were a reasonable expectation of success in combining or modify the cited references (another assumption for which no proper evidence has been

presented and with which the applicant disagrees), the cited references still do not expressly or inherently teach or suggest every limitation of independent claim 139, and consequently fail to establish a *prima facie* case of obviousness. Consequently, reversal of this rejection is respectfully requested.

Y. Dependent claim 61

To independent claim 1, claim 61 adds the limitation that the financial function includes asset and liability management and wherein the liabilities include legal claims (see at least page 5, lines 14-28; and page 40, lines 11-19). The rejections have not even addressed this claim limitation. Nevertheless, none of the cited references expressly or inherently teach or suggest this claim limitation. Thus, even if there were motivation or suggestion to modify or combine the cited references (an assumption for which no proper evidence has been presented and with which the applicant disagrees), and even if there were a reasonable expectation of success in combining or modify the cited references (another assumption for which no proper evidence has been presented and with which the applicant disagrees), the cited references still do not expressly or inherently teach or suggest every limitation of independent claim 139, and consequently fail to establish a *prima facie* case of obviousness. Consequently, reversal of this rejection is respectfully requested.

Z. Dependent claim 62

To independent claim 1, claim 62 adds the limitation that the financial function includes asset and liability management wherein the assets include leases (see at least page 5, lines 14-28). The rejections have not even addressed this claim limitation. Nevertheless, none of the cited references expressly or inherently teach or suggest this claim limitation. Thus, even if there were motivation or suggestion to modify or combine the cited references (an assumption for which no proper evidence has been presented and with which the applicant disagrees), and even if there

were a reasonable expectation of success in combining or modify the cited references (another assumption for which no proper evidence has been presented and with which the applicant disagrees), the cited references still do not expressly or inherently teach or suggest every limitation of independent claim 139, and consequently fail to establish a *prima facie* case of obviousness. Consequently, reversal of this rejection is respectfully requested.

AA. Dependent claim 63

To independent claim 1, claim 63 adds the limitation that the financial function includes asset and liability management wherein the liabilities include leases (see at least page 5, lines 14-28). The rejections have not even addressed this claim limitation. Nevertheless, none of the cited references expressly or inherently teach or suggest this claim limitation. Thus, even if there were motivation or suggestion to modify or combine the cited references (an assumption for which no proper evidence has been presented and with which the applicant disagrees), and even if there were a reasonable expectation of success in combining or modify the cited references (another assumption for which no proper evidence has been presented and with which the applicant disagrees), the cited references still do not expressly or inherently teach or suggest every limitation of independent claim 139, and consequently fail to establish a *prima facie* case of obviousness. Consequently, reversal of this rejection is respectfully requested.

AB. Dependent claim 64

To independent claim 1, claim 64 adds the limitation that the financial function includes asset and liability management wherein the assets include operational cashflows (see at least page 5, lines 14-28). The rejections have not even addressed this claim limitation. Nevertheless, none of the cited references expressly or inherently teach or suggest this claim limitation. Thus, even if there were motivation or suggestion to modify or combine the cited references (an assumption for which no proper evidence has been presented and with which the applicant disagrees), and even

if there were a reasonable expectation of success in combining or modify the cited references (another assumption for which no proper evidence has been presented and with which the applicant disagrees), the cited references still do not expressly or inherently teach or suggest every limitation of independent claim 139, and consequently fail to establish a *prima facie* case of obviousness. Consequently, reversal of this rejection is respectfully requested.

AC. Dependent claim 65

To independent claim 1, claim 65 adds the limitation that the financial function includes asset and liability management wherein the liabilities include operational cashflows (see at least page 5, lines 14-28). The rejections have not even addressed this claim limitation. Nevertheless, none of the cited references expressly or inherently teach or suggest this claim limitation. Thus, even if there were motivation or suggestion to modify or combine the cited references (an assumption for which no proper evidence has been presented and with which the applicant disagrees), and even if there were a reasonable expectation of success in combining or modify the cited references (another assumption for which no proper evidence has been presented and with which the applicant disagrees), the cited references still do not expressly or inherently teach or suggest every limitation of independent claim 139, and consequently fail to establish a *prima facie* case of obviousness. Consequently, reversal of this rejection is respectfully requested.

AD. Dependent claim 66

To independent claim 1, claim 66 adds the limitation that the financial function includes treasury management (see at least page 2, lines 16-30). The rejections have not even addressed this claim limitation. Nevertheless, none of the cited references expressly or inherently teach or suggest this claim limitation. Thus, even if there were motivation or suggestion to modify or combine the cited references (an assumption for which no proper evidence has been presented and with which the applicant disagrees), and even if there were a reasonable expectation of success in combining

or modify the cited references (another assumption for which no proper evidence has been presented and with which the applicant disagrees), the cited references still do not expressly or inherently teach or suggest every limitation of independent claim 139, and consequently fail to establish a *prima facie* case of obviousness. Consequently, reversal of this rejection is respectfully requested.

AE. Dependent claim 67

To independent claim 1, claim 67 adds the limitation that the financial function includes credit management (see at least page 2, lines 16-30). The rejections have not even addressed this claim limitation. Nevertheless, none of the cited references expressly or inherently teach or suggest this claim limitation. Thus, even if there were motivation or suggestion to modify or combine the cited references (an assumption for which no proper evidence has been presented and with which the applicant disagrees), and even if there were a reasonable expectation of success in combining or modify the cited references (another assumption for which no proper evidence has been presented and with which the applicant disagrees), the cited references still do not expressly or inherently teach or suggest every limitation of independent claim 139, and consequently fail to establish a *prima facie* case of obviousness. Consequently, reversal of this rejection is respectfully requested.

AF. Dependent claim 68

To independent claim 1, claim 68 adds the limitation that the financial function includes credit spread trading (see at least page 2, lines 16-30). The rejections have not even addressed this claim limitation. Nevertheless, none of the cited references expressly or inherently teach or suggest this claim limitation. Thus, even if there were motivation or suggestion to modify or combine the cited references (an assumption for which no proper evidence has been presented and with which the applicant disagrees), and even if there were a reasonable expectation of

success in combining or modify the cited references (another assumption for which no proper evidence has been presented and with which the applicant disagrees), the cited references still do not expressly or inherently teach or suggest every limitation of independent claim 139, and consequently fail to establish a *prima facie* case of obviousness. Consequently, reversal of this rejection is respectfully requested.

AG. Dependent claim 69

To independent claim 1, claim 69 adds the limitation that the financial function includes loan portfolio management (see at least page 2, lines 16-30). The rejections have not even addressed this claim limitation. Nevertheless, none of the cited references expressly or inherently teach or suggest this claim limitation. Thus, even if there were motivation or suggestion to modify or combine the cited references (an assumption for which no proper evidence has been presented and with which the applicant disagrees), and even if there were a reasonable expectation of success in combining or modify the cited references (another assumption for which no proper evidence has been presented and with which the applicant disagrees), the cited references still do not expressly or inherently teach or suggest every limitation of independent claim 139, and consequently fail to establish a *prima facie* case of obviousness. Consequently, reversal of this rejection is respectfully requested.

AH. Dependent claim 70

To independent claim 1, claim 70 adds the limitation that the financial function includes equity portfolio management (see at least page 5, lines 14-28). The rejections have not even addressed this claim limitation. Nevertheless, none of the cited references expressly or inherently teach or suggest this claim limitation. Thus, even if there were motivation or suggestion to modify or combine the cited references (an assumption for which no proper evidence has been presented and with which the applicant disagrees), and even if there were a reasonable expectation of

success in combining or modify the cited references (another assumption for which no proper evidence has been presented and with which the applicant disagrees), the cited references still do not expressly or inherently teach or suggest every limitation of independent claim 139, and consequently fail to establish a *prima facie* case of obviousness. Consequently, reversal of this rejection is respectfully requested.

AI. Dependent claim 71

To independent claim 1, claim 71 adds the limitation that the financial function includes fixed income portfolio management (see at least page 35, lines 14-19). The rejections have not even addressed this claim limitation. Nevertheless, none of the cited references expressly or inherently teach or suggest this claim limitation. Thus, even if there were motivation or suggestion to modify or combine the cited references (an assumption for which no proper evidence has been presented and with which the applicant disagrees), and even if there were a reasonable expectation of success in combining or modify the cited references (another assumption for which no proper evidence has been presented and with which the applicant disagrees), the cited references still do not expressly or inherently teach or suggest every limitation of independent claim 139, and consequently fail to establish a *prima facie* case of obviousness. Consequently, reversal of this rejection is respectfully requested.

AJ. Dependent claim 72

To independent claim 1, claim 72 adds the limitation that the financial function includes funding (see at least page 2, lines 16-30). The rejections have not even addressed this claim limitation. Nevertheless, none of the cited references expressly or inherently teach or suggest this claim limitation. Thus, even if there were motivation or suggestion to modify or combine the cited references (an assumption for which no proper evidence has been presented and with which the applicant disagrees), and even if there were a reasonable expectation of success in combining or

modify the cited references (another assumption for which no proper evidence has been presented and with which the applicant disagrees), the cited references still do not expressly or inherently teach or suggest every limitation of independent claim 139, and consequently fail to establish a *prima facie* case of obviousness. Consequently, reversal of this rejection is respectfully requested.

AK. Dependent claim 73

To independent claim 1, claim 73 adds the limitation that the financial function includes collateral management (see at least page 2, lines 16-30). The rejections have not even addressed this claim limitation. Nevertheless, none of the cited references expressly or inherently teach or suggest this claim limitation. Thus, even if there were motivation or suggestion to modify or combine the cited references (an assumption for which no proper evidence has been presented and with which the applicant disagrees), and even if there were a reasonable expectation of success in combining or modify the cited references (another assumption for which no proper evidence has been presented and with which the applicant disagrees), the cited references still do not expressly or inherently teach or suggest every limitation of independent claim 139, and consequently fail to establish a *prima facie* case of obviousness. Consequently, reversal of this rejection is respectfully requested.

AL. Dependent claim 74

To independent claim 1, claim 74 adds the limitation that the financial function includes the lending of securities (see at least page 3, lines 22-24). The rejections have not even addressed this claim limitation. Nevertheless, none of the cited references expressly or inherently teach or suggest this claim limitation. Thus, even if there were motivation or suggestion to modify or combine the cited references (an assumption for which no proper evidence has been presented and with which the applicant disagrees), and even if there were a reasonable expectation of

success in combining or modify the cited references (another assumption for which no proper evidence has been presented and with which the applicant disagrees), the cited references still do not expressly or inherently teach or suggest every limitation of independent claim 139, and consequently fail to establish a *prima facie* case of obviousness. Consequently, reversal of this rejection is respectfully requested.

AM. Dependent claim 75

To independent claim 1, claim 75 adds the limitation that the financial function includes the borrowing of securities (see at least page 3, lines 22-24). The rejections have not even addressed this claim limitation. Nevertheless, none of the cited references expressly or inherently teach or suggest this claim limitation. Thus, even if there were motivation or suggestion to modify or combine the cited references (an assumption for which no proper evidence has been presented and with which the applicant disagrees), and even if there were a reasonable expectation of success in combining or modify the cited references (another assumption for which no proper evidence has been presented and with which the applicant disagrees), the cited references still do not expressly or inherently teach or suggest every limitation of independent claim 139, and consequently fail to establish a *prima facie* case of obviousness. Consequently, reversal of this rejection is respectfully requested.

AN. Dependent claim 76

To independent claim 1, claim 77 adds the limitation that the financial function includes counterparty credit exposure management (see at least page 5, lines 14-28). The rejections have not even addressed this claim limitation. Nevertheless, none of the cited references expressly or inherently teach or suggest this claim limitation. Thus, even if there were motivation or suggestion to modify or combine the cited references (an assumption for which no proper evidence has been presented and with which the applicant disagrees), and even if there were a

reasonable expectation of success in combining or modify the cited references (another assumption for which no proper evidence has been presented and with which the applicant disagrees), the cited references still do not expressly or inherently teach or suggest every limitation of independent claim 139, and consequently fail to establish a *prima facie* case of obviousness. Consequently, reversal of this rejection is respectfully requested.

AO. Dependent claim 78

To independent claim 1, claim 78 adds the limitation that the financial function includes market risk management (see at least page 2, lines 16-30). The rejections have not even addressed this claim limitation. Nevertheless, none of the cited references expressly or inherently teach or suggest this claim limitation. Thus, even if there were motivation or suggestion to modify or combine the cited references (an assumption for which no proper evidence has been presented and with which the applicant disagrees), and even if there were a reasonable expectation of success in combining or modify the cited references (another assumption for which no proper evidence has been presented and with which the applicant disagrees), the cited references still do not expressly or inherently teach or suggest every limitation of independent claim 139, and consequently fail to establish a *prima facie* case of obviousness. Consequently, reversal of this rejection is respectfully requested.

AP. Dependent claim 79

To independent claim 1, claim 79 adds the limitation that the financial function includes credit risk management (see at least page 2, lines 16-30). The rejections have not even addressed this claim limitation. Nevertheless, none of the cited references expressly or inherently teach or suggest this claim limitation. Thus, even if there were motivation or suggestion to modify or combine the cited references (an assumption for which no proper evidence has been presented and with which the applicant disagrees), and even if there were a reasonable expectation of

success in combining or modify the cited references (another assumption for which no proper evidence has been presented and with which the applicant disagrees), the cited references still do not expressly or inherently teach or suggest every limitation of independent claim 139, and consequently fail to establish a *prima facie* case of obviousness. Consequently, reversal of this rejection is respectfully requested.

AQ. Dependent claim 80

To independent claim 1, claim 80 adds the limitation that the financial function includes commodity price risk management (see at least page 2, lines 16-30). The rejections have not even addressed this claim limitation. Nevertheless, none of the cited references expressly or inherently teach or suggest this claim limitation. Thus, even if there were motivation or suggestion to modify or combine the cited references (an assumption for which no proper evidence has been presented and with which the applicant disagrees), and even if there were a reasonable expectation of success in combining or modify the cited references (another assumption for which no proper evidence has been presented and with which the applicant disagrees), the cited references still do not expressly or inherently teach or suggest every limitation of independent claim 139, and consequently fail to establish a *prima facie* case of obviousness. Consequently, reversal of this rejection is respectfully requested.

AR. Dependent claim 81

To independent claim 1, claim 81 adds the limitation that the financial function includes liquidity risk management (see at least page 2, lines 16-30). The rejections have not even addressed this claim limitation. Nevertheless, none of the cited references expressly or inherently teach or suggest this claim limitation. Thus, even if there were motivation or suggestion to modify or combine the cited references (an assumption for which no proper evidence has been presented and with which the applicant disagrees), and even if there were a reasonable expectation of

success in combining or modify the cited references (another assumption for which no proper evidence has been presented and with which the applicant disagrees), the cited references still do not expressly or inherently teach or suggest every limitation of independent claim 139, and consequently fail to establish a *prima facie* case of obviousness. Consequently, reversal of this rejection is respectfully requested.

AS. Dependent claim 82

To independent claim 1, claim 82 adds the limitation that the financial function includes operational risk management (see at least page 4, lines 12-16). The rejections have not even addressed this claim limitation. Nevertheless, none of the cited references expressly or inherently teach or suggest this claim limitation. Thus, even if there were motivation or suggestion to modify or combine the cited references (an assumption for which no proper evidence has been presented and with which the applicant disagrees), and even if there were a reasonable expectation of success in combining or modify the cited references (another assumption for which no proper evidence has been presented and with which the applicant disagrees), the cited references still do not expressly or inherently teach or suggest every limitation of independent claim 139, and consequently fail to establish a *prima facie* case of obviousness. Consequently, reversal of this rejection is respectfully requested.

AT. Dependent claim 83

To independent claim 1, claim 83 adds the limitation that the financial function includes management of insurable risks (see at least page 5, lines 14-28). The rejections have not even addressed this claim limitation. Nevertheless, none of the cited references expressly or inherently teach or suggest this claim limitation. Thus, even if there were motivation or suggestion to modify or combine the cited references (an assumption for which no proper evidence has been presented and with which the applicant disagrees), and even if there were a reasonable

expectation of success in combining or modify the cited references (another assumption for which no proper evidence has been presented and with which the applicant disagrees), the cited references still do not expressly or inherently teach or suggest every limitation of independent claim 139, and consequently fail to establish a *prima facie* case of obviousness. Consequently, reversal of this rejection is respectfully requested.

AU. Dependent claim 84

To independent claim 1, claim 84 adds the limitation that the financial function includes electricity price risk management (see at least page 5, lines 14-28). The rejections have not even addressed this claim limitation. Nevertheless, none of the cited references expressly or inherently teach or suggest this claim limitation. Thus, even if there were motivation or suggestion to modify or combine the cited references (an assumption for which no proper evidence has been presented and with which the applicant disagrees), and even if there were a reasonable expectation of success in combining or modify the cited references (another assumption for which no proper evidence has been presented and with which the applicant disagrees), the cited references still do not expressly or inherently teach or suggest every limitation of independent claim 139, and consequently fail to establish a *prima facie* case of obviousness. Consequently, reversal of this rejection is respectfully requested.

Dependent claim 85

To independent claim 1, claim 85 adds the limitation that the financial function includes pension fund management (see at least page 5, lines 14-28). The rejections have not even addressed this claim limitation. Nevertheless, none of the cited references expressly or inherently teach or suggest this claim limitation. Thus, even if there were motivation or suggestion to modify or combine the cited references (an assumption for which no proper evidence has been presented and with which the applicant disagrees), and even if there were a reasonable expectation of

success in combining or modify the cited references (another assumption for which no proper evidence has been presented and with which the applicant disagrees), the cited references still do not expressly or inherently teach or suggest every limitation of independent claim 139, and consequently fail to establish a *prima facie* case of obviousness. Consequently, reversal of this rejection is respectfully requested.

Dependent claim 86

To independent claim 1, claim 86 adds the limitation that the financial function includes real estate management (see at least page 5, lines 14-28). The rejections have not even addressed this claim limitation. Nevertheless, none of the cited references expressly or inherently teach or suggest this claim limitation. Thus, even if there were motivation or suggestion to modify or combine the cited references (an assumption for which no proper evidence has been presented and with which the applicant disagrees), and even if there were a reasonable expectation of success in combining or modify the cited references (another assumption for which no proper evidence has been presented and with which the applicant disagrees), the cited references still do not expressly or inherently teach or suggest every limitation of independent claim 139, and consequently fail to establish a *prima facie* case of obviousness. Consequently, reversal of this rejection is respectfully requested.

AV. Dependent claim 87

To independent claim 1, claim 87 adds the limitation that the financial function includes hedging (see at least page 3, lines 1-8). The rejections have not even addressed this claim limitation. Nevertheless, none of the cited references expressly or inherently teach or suggest this claim limitation. Thus, even if there were motivation or suggestion to modify or combine the cited references (an assumption for which no proper evidence has been presented and with which the applicant disagrees), and even if there were a reasonable expectation of success in combining or

modify the cited references (another assumption for which no proper evidence has been presented and with which the applicant disagrees), the cited references still do not expressly or inherently teach or suggest every limitation of independent claim 139, and consequently fail to establish a *prima facie* case of obviousness. Consequently, reversal of this rejection is respectfully requested.

AW. Dependent claim 88

To independent claim 1, claim 88 adds the limitation that the financial function includes dynamic hedging (see at least page 3, lines 1-8; and page 14, lines 6-13). The rejections have not even addressed this claim limitation. Nevertheless, none of the cited references expressly or inherently teach or suggest this claim limitation. Thus, even if there were motivation or suggestion to modify or combine the cited references (an assumption for which no proper evidence has been presented and with which the applicant disagrees), and even if there were a reasonable expectation of success in combining or modify the cited references (another assumption for which no proper evidence has been presented and with which the applicant disagrees), the cited references still do not expressly or inherently teach or suggest every limitation of independent claim 139, and consequently fail to establish a *prima facie* case of obviousness. Consequently, reversal of this rejection is respectfully requested.

AX. Dependent claim 89

To independent claim 1, claim 89 adds the limitation that the financial function includes mortgage pre-payment risk management (see at least page 34, lines 23-27). The rejections have not even addressed this claim limitation. Nevertheless, none of the cited references expressly or inherently teach or suggest this claim limitation. Thus, even if there were motivation or suggestion to modify or combine the cited references (an assumption for which no proper evidence has been presented and with which the applicant disagrees), and even if there were a reasonable

expectation of success in combining or modify the cited references (another assumption for which no proper evidence has been presented and with which the applicant disagrees), the cited references still do not expressly or inherently teach or suggest every limitation of independent claim 139, and consequently fail to establish a *prima facie* case of obviousness. Consequently, reversal of this rejection is respectfully requested.

AY. Dependent claim 90

To independent claim 1, claim 90 adds the limitation that the financial function includes front-office activities (see at least page 3, lines 1-8). The rejections have not even addressed this claim limitation. Nevertheless, none of the cited references expressly or inherently teach or suggest this claim limitation. Thus, even if there were motivation or suggestion to modify or combine the cited references (an assumption for which no proper evidence has been presented and with which the applicant disagrees), and even if there were a reasonable expectation of success in combining or modify the cited references (another assumption for which no proper evidence has been presented and with which the applicant disagrees), the cited references still do not expressly or inherently teach or suggest every limitation of independent claim 139, and consequently fail to establish a *prima facie* case of obviousness. Consequently, reversal of this rejection is respectfully requested.

AZ. Dependent claim 91

To independent claim 1, claim 91 adds the limitation that the financial function includes middle-office activities (see at least page 3, lines 1-3). The rejections have not even addressed this claim limitation. Nevertheless, none of the cited references expressly or inherently teach or suggest this claim limitation. Thus, even if there were motivation or suggestion to modify or combine the cited references (an assumption for which no proper evidence has been presented and with which the applicant disagrees), and even if there were a reasonable expectation of success in combining

or modify the cited references (another assumption for which no proper evidence has been presented and with which the applicant disagrees), the cited references still do not expressly or inherently teach or suggest every limitation of independent claim 139, and consequently fail to establish a *prima facie* case of obviousness. Consequently, reversal of this rejection is respectfully requested.

BA. Dependent claim 92

To independent claim 1, claim 92 adds the limitation that the financial function includes back-office activities (see at least page 3, lines 1-3). The rejections have not even addressed this claim limitation. Nevertheless, none of the cited references expressly or inherently teach or suggest this claim limitation. Thus, even if there were motivation or suggestion to modify or combine the cited references (an assumption for which no proper evidence has been presented and with which the applicant disagrees), and even if there were a reasonable expectation of success in combining or modify the cited references (another assumption for which no proper evidence has been presented and with which the applicant disagrees), the cited references still do not expressly or inherently teach or suggest every limitation of independent claim 139, and consequently fail to establish a *prima facie* case of obviousness. Consequently, reversal of this rejection is respectfully requested.

BB. Dependent claim 93

To independent claim 1, claim 93 adds the limitation that the financial function includes front-office and middle-office activities (see at least page 3, lines 1-3). The rejections have not even addressed this claim limitation. Nevertheless, none of the cited references expressly or inherently teach or suggest this claim limitation. Thus, even if there were motivation or suggestion to modify or combine the cited references (an assumption for which no proper evidence has been presented and with which the applicant disagrees), and even if there were a reasonable

expectation of success in combining or modify the cited references (another assumption for which no proper evidence has been presented and with which the applicant disagrees), the cited references still do not expressly or inherently teach or suggest every limitation of independent claim 139, and consequently fail to establish a *prima facie* case of obviousness. Consequently, reversal of this rejection is respectfully requested.

BC. Dependent claim 94

To independent claim 1, claim 94 adds the limitation that the financial function includes middle-office and back-office activities (see at least page 3, lines 1-3). The rejections have not even addressed this claim limitation. Nevertheless, none of the cited references expressly or inherently teach or suggest this claim limitation. Thus, even if there were motivation or suggestion to modify or combine the cited references (an assumption for which no proper evidence has been presented and with which the applicant disagrees), and even if there were a reasonable expectation of success in combining or modify the cited references (another assumption for which no proper evidence has been presented and with which the applicant disagrees), the cited references still do not expressly or inherently teach or suggest every limitation of independent claim 139, and consequently fail to establish a *prima facie* case of obviousness. Consequently, reversal of this rejection is respectfully requested.

BD. Dependent claim 95

To independent claim 1, claim 95 adds the limitation that the financial function includes front-office, middle-office and back-office activities (see at least page 3, lines 1-3). The rejections have not even addressed this claim limitation. Nevertheless, none of the cited references expressly or inherently teach or suggest this claim limitation. Thus, even if there were motivation or suggestion to modify or combine the cited references (an assumption for which no proper evidence has been presented and with which the applicant disagrees), and even if there were a

reasonable expectation of success in combining or modify the cited references (another assumption for which no proper evidence has been presented and with which the applicant disagrees), the cited references still do not expressly or inherently teach or suggest every limitation of independent claim 139, and consequently fail to establish a *prima facie* case of obviousness. Consequently, reversal of this rejection is respectfully requested.

VIII. CLAIMS APPENDIX

Appendix A sets forth all pending claims in the state in which they were appealed.

IX. EVIDENCE APPENDIX

Appendix B sets forth a copy of the Declaration Under 37 C.F.R. § 1.132 of William W. Sihler previously submitted with the Reply Under 37 C.F.R. § 1.116 on 7 July 2004.

X. RELATED PROCEEDINGS APPENDIX

There are no related proceedings.

SUMMARY


In view of the above, Applicant submits that all claims on appeal are patentable over the cited art and respectfully requests that the Board of Patent Appeals and Interferences reverse the rejections of claims 1-139 and direct that the application be passed to issue.

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. §1.16 or §1.17 to Deposit Account No. 50-2504. The Examiner is invited to contact the undersigned at 434-972-9988 to discuss any matter regarding this application.

Respectfully submitted,

Michael Haynes PLC

Date: 28 October 2004



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PATENT

Serial No. 09/650,733

Attorney Docket No. 1011-002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Alejandro M. Pilato
Serial No. : 09/650,733
Filed : 30 August 2000
For : METHOD AND SYSTEM FOR PROVIDING FINANCIAL
FUNCTIONS
Art Unit : 3628
Examiner : Richard C. Fults

Mail Stop Appeal Brief-Patents

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

APPENDIX A

IN THE CLAIMS:

1. (Previously Presented) A computer-assisted method for providing financial functions by an agent for each of a plurality of institutional or corporate clients, comprising the activities of:
relating to a financial function of each client:
demonstrating that more than one activity of the agent is transparent to the client;
receiving financial information at a computer of the agent;
creating risk management information relating to the financial information;
analyzing the risk management information in the context of the financial

information;

determining an action based on the analysis;

facilitating implementation of the action on behalf of the client; and

communicating with the client through a network one or more activities of the agent.

2. (Original) The method of claim 1, wherein the financial information is received through a network.
3. (Original) The method of claim 1, wherein said activity of facilitating the action includes implementing the action on behalf of the client.
4. (Original) The method of claim 1, wherein said activity of facilitating the action includes instructing the client to implement the action.
5. (Original) The method of claim 1, wherein said activity of facilitating the action includes recommending that the client implement the action.
6. (Original) The method of claim 1, further comprising notifying the client that an action will be implemented by the agent.
7. (Original) The method of claim 1, further comprising notifying the client of the action implemented by the agent.
8. (Original) The method of claim 1, further comprising receiving notification from the client of an action implemented by the client.

9. (Original) The method of claim 1, wherein the action includes providing a notification.
10. (Original) The method of claim 1, wherein the action includes providing a report.
11. (Original) The method of claim 1, wherein the action includes providing an analysis.
12. (Original) The method of claim 1, wherein the action includes providing information.
13. (Original) The method of claim 1, wherein said activity of communicating includes enabling the client to access information regarding one or more activities of the agent.
14. (Original) The method of claim 1, wherein said activity of communicating includes enabling the client to access information across a network regarding one or more activities of the agent.
15. (Original) The method of claim 1, wherein said activity of communicating includes allowing the client to monitor across a network one or more activities of the agent.
16. (Original) The method of claim 1, wherein said activity of communicating includes allowing the client to monitor in real-time across a network one or more activities of the agent.
17. (Original) The method of claim 1, wherein said activity of communicating includes allowing the client to monitor in near-real-time across a network one or more activities of the agent.
18. (Original) The method of claim 1, wherein said activity of communicating includes reporting to the client across a network one or more activities of the agent.

19. (Original) The method of claim 1, wherein said activity of communicating includes reporting to the client in real-time across a network one or more activities of the agent.
20. (Original) The method of claim 1, wherein said activity of communicating includes reporting to the client in near-real-time across a network one or more activities of the agent.
21. (Original) The method of claim 1, further comprising reporting one or more effects of the agent's action on the risk management information.
22. (Original) The method of claim 1, further comprising reporting one or more effects of an alternative action to the agent's action on the risk management information.
23. (Original) The method of claim 1, further comprising reporting one or more reasons behind an action determined by the agent.
24. (Original) The method of claim 1, wherein said activity of communicating includes providing an audit log of one or more historical activities of the agent on behalf of the client.
25. (Original) The method of claim 1, wherein said activity of communicating includes informing the client of results of reviews of one or more of historical activities of the agent.
26. (Original) The method of claim 1, wherein said activity of communicating includes seeking feedback from the client on reviews of one or more of historical activities of the agent.
27. (Original) The method of claim 1, wherein the agent is conflict-free.

28. (Original) The method of claim 1, further comprising the agent receiving authority to implement the action on behalf of the client.
29. (Original) The method of claim 1, further comprising the client agreeing to implement actions recommended by the agent.
30. (Original) The method of claim 1, further comprising the client agreeing to implement actions instructed by the agent.
31. (Original) The method of claim 1, wherein facilitating the implementation of the action results in the negotiation of the terms of a trade.
32. (Original) The method of claim 1, wherein the determination of the action includes an identification of a best rate or price at which the trade can be executed.
33. (Original) The method of claim 1, wherein said activity of determining the action is performed automatically.
34. (Original) The method of claim 1, wherein the implementation of the action results in execution of a trade.
35. (Original) The method of claim 1, wherein the implementation of the action results in execution of a trade with a third party.
36. (Original) The method of claim 1, wherein the implementation of the action results in

execution of a trade by the agent.

37. (Original) The method of claim 1, wherein the implementation of the action results in execution of a trade by the client.
38. (Original) The method of claim 1, wherein the action is implemented automatically.
39. (Original) The method of claim 1, wherein the financial information includes financial guidelines.
40. (Original) The method of claim 1, wherein the financial information includes one or more benchmarks.
41. (Original) The method of claim 1, wherein the financial information includes action guidelines.
42. (Original) The method of claim 1, wherein the financial information includes market risk limits.
43. (Original) The method of claim 1, wherein the financial information includes credit risk limits.
44. (Original) The method of claim 1, wherein the financial information includes liquidity guidelines.
45. (Original) The method of claim 1, wherein the financial information includes maturity guidelines.

- 46. (Original) The method of claim 1, wherein the financial information includes credit guidelines.
- 47. (Original) The method of claim 1, wherein the financial function includes short-term funding and cash management.
- 48. (Original) The method of claim 1, wherein the financial function includes cashflow management.
- 49. (Original) The method of claim 1, wherein the financial function includes liquidity management.
- 50. (Original) The method of claim 1, wherein the financial function includes cash management.
- 51. (Original) The method of claim 1, wherein the financial function includes investment management.
- 52. (Original) The method of claim 1, wherein the financial function includes repo funding.
- 53. (Original) The method of claim 1, wherein the financial function includes debt management.
- 54. (Original) The method of claim 1, wherein the financial function includes debt issuance.
- 55. (Original) The method of claim 1, wherein the financial function includes asset and liability management.
- 56. (Original) The method of claim 1, wherein the financial function includes asset and liability

management and wherein the assets include insurance premia.

57. (Original) The method of claim 1, wherein the financial function includes asset and liability management and wherein the liabilities include insurance claims.

58. (Original) The method of claim 1, wherein the financial function includes asset and liability management and wherein the assets include life insurance premia.

59. (Original) The method of claim 1, wherein the financial function includes asset and liability management and wherein the liabilities include life insurance claims.

60. (Original) The method of claim 1, wherein the financial function includes asset and liability management and wherein the liabilities include pension claims.

61. (Original) The method of claim 1, wherein the financial function includes asset and liability management and wherein the liabilities include legal claims.

62. (Original) The method of claim 1, wherein the financial function includes asset and liability management wherein the assets include leases.

63. (Original) The method of claim 1, wherein the financial function includes asset and liability management wherein the liabilities include leases.

64. (Original) The method of claim 1, wherein the financial function includes asset and liability management wherein the assets include operational cashflows.

65. (Original) the method of claim 1, wherein the financial function includes asset and liability management wherein the liabilities include operational cashflows.
66. (Original) The method of claim 1, wherein the financial function includes treasury management.
67. (Original) The method of claim 1, wherein the financial function includes credit management.
68. (Original) The method of claim 1, wherein the financial function includes credit spread trading.
69. (Original) The method of claim 1, wherein the financial function includes loan portfolio management.
70. (Original) The method of claim 1, wherein the financial function includes equity portfolio management.
71. (Original) The method of claim 1, wherein the financial function includes fixed income portfolio management.
72. (Original) The method of claim 1, wherein the financial function includes funding.
73. (Original) The method of claim 1, wherein the financial function includes collateral management.
74. (Original) The method of claim 1, wherein the financial function includes the lending of

securities.

75. (Original) The method of claim 1, wherein the financial function includes the borrowing of securities.

76. (Original) The method of claim 1, wherein the financial function includes counterparty credit exposure management.

77. (Original) The method of claim 1, wherein the financial function includes financial risk management.

78. (Original) The method of claim 1, wherein the financial function includes market risk management.

79. (Original) The method of claim 1, wherein the financial function includes credit risk management.

80. (Original) The method of claim 1, wherein the financial function includes commodity price risk management.

81. (Original) The method of claim 1, wherein the financial function includes liquidity risk management.

82. (Original) The method of claim 1, wherein the financial function includes operational risk management.

83. (Original) The method of claim 1, wherein the financial function includes management of insurable risks.
84. (Original) The method of claim 1, wherein the financial function includes electricity price risk management.
85. (Original) The method of claim 1, wherein the financial function includes pension fund management.
86. (Original) The method of claim 1, wherein the financial function includes real estate management.
87. (Original) The method of claim 1, wherein the financial function includes hedging.
88. (Original) The method of claim 1, wherein the financial function includes dynamic hedging.
89. (Original) The method of claim 1, wherein the financial function includes mortgage pre-payment risk management.
90. (Original) The method of claim 1, wherein the financial function includes front-office activities.
91. (Original) The method of claim 1, wherein the financial function includes middle-office activities.
92. (Original) The method of claim 1, wherein the financial function includes back-office

activities.

93. (Original) The method of claim 1, wherein the financial function includes front-office and middle-office activities.
94. (Original) The method of claim 1, wherein the financial function includes middle-office and back-office activities.
95. (Original) The method of claim 1, wherein the financial function includes front-office, middle-office and back-office activities.
96. (Original) The method of claim 1, wherein the financial information includes detailed information on financial instruments relevant to a financial function.
97. (Original) The method of claim 1, wherein the financial information includes historical market data relevant to the financial function.
98. (Original) The method of claim 1, wherein the financial information includes current market data relevant to the financial function.
99. (Original) The method of claim 1, wherein the financial information includes economic information relevant to the financial function.
100. (Original) The method of claim 1, wherein the financial information includes any information relevant to the financial function.

101. (Original) The method of claim 1, wherein the financial information includes strategic financial objectives.
102. (Original) The method of claim 1, wherein the client includes departments of the client.
103. (Original) The method of claim 1, wherein the client includes subsidiaries of the client.
104. (Original) The method of claim 1, wherein the client includes affiliates of the client.
105. (Original) The method of claim 1, wherein the client includes clients of the client.
106. (Original) The method of claim 1, wherein the client includes regulators of the client.
107. (Original) The method of claim 1, wherein the client includes auditors of the client.
108. (Original) The method of claim 1, wherein the client includes agents of the client.
109. (Original) The method of claim 1, wherein the client includes advisors of the client.
110. (Original) The method of claim 1, wherein the client includes counterparties of the client.
111. (Original) The method of claim 1, wherein the client includes shareholders of the client.
112. (Previously Presented) A computer-readable medium storing instructions that, when executed by one or more processors, cause the one or more processors to perform activities comprising:

relating to a financial function of each of a plurality of institutional or corporate clients:

demonstrating that more than one activity of the agent is transparent to the client;

receiving financial information at the agent;

creating risk management information relating to the financial information;

analyzing the risk management information in the context of the financial information;

determining an action based on the analysis;

facilitating implementation of the action on behalf of the client; and

communicating through a network with the client one or more activities of the agent.

113. (Previously Presented) An apparatus for providing financial functions by an agent for each of a plurality of institutional or corporate clients, comprising:

relating to a financial function of each client:

means for demonstrating that more than one activity of the agent is transparent to the client;

means for receiving financial information at a computer of the agent;

means for creating risk management information relating to the financial information;

means for analyzing the risk management information in the context of the financial information;

means for determining an action based on the analysis;

means for facilitating implementation of the action on behalf of the client; and

means for communicating to the client through a network one or more activities of the agent.

114. (Previously Presented) A computer-assisted method for a client to outsource financial functions to an agent representing a plurality of institutional or corporate clients, comprising the activities of:
- providing financial information on one or more financial functions of each client to a computer of the agent;
 - enabling the agent to determine an action based on an analysis of risk management information created from the financial information; and
 - allowing the agent to facilitate the implementation of the action.
115. (Original) The method of claim 114, further comprising receiving risk management information generated by the agent at the client.
116. (Original) The method of claim 114, further comprising receiving the agent's analysis at the client.
117. (Original) The method of claim 114, further comprising receiving an action instruction at the client.
118. (Original) The method of claim 114, further comprising receiving an action recommendation at the client.
119. (Original) The method of claim 114, further comprising receiving a notification at the client of an action that will be implemented by the agent.
120. (Original) The method of claim 114, further comprising receiving a notification at the

client of an implemented action.

121. (Original) The method of claim 114, further comprising accessing information across a network on one or more of the agent's activities.
122. (Original) The method of claim 114, further comprising monitoring across a network one or more of the agent's activities.
123. (Original) The method of claim 114, further comprising silently monitoring across a network one or more of the agent's activities.
124. (Original) The method of claim 114, further comprising requesting notification of an effect of one or more actions of the agent on the risk management analysis.
125. (Original) The method of claim 114, further comprising requesting notification of the effect of one or more alternative actions of the agent on the risk management information.
126. (Original) The method of claim 114, further comprising requesting information on one or more reasons behind an action determined by the agent.
127. (Original) The method of claim 114, further comprising requesting an audit log of one or more of historical activities of the agent on behalf of the client.
128. (Original) The method of claim 114, further comprising requesting a review of one or more of historical activities of the agent.

129. (Original) The method of claim 114, further comprising providing financial information to the agent.
130. (Original) The method of claim 114, providing new financial information to the agent based on a review of one or more of historical activities of the agent.
131. (Original) The method of claim 114, further comprising removing the agent's authority to undertake any action on behalf of the client.
132. (Original) The method of claim 114, further comprising removing the authority of the agent in connection with one or more actions.
133. (Original) The method of claim 114, further comprising requesting the agent to halt one or more actions.
134. (Original) The method of claim 114, further comprising requesting, through a network, the agent to halt one or more actions.
135. (Original) The method of claim 114, wherein the financial information is provided through a network.
136. (Previously Presented) A computer-readable medium storing instructions that, when executed by one or more processors, cause the one or more processors to perform activities comprising:

providing financial information on one or more financial functions of an institutional or corporate client to an agent;

enabling the agent to determine an action based on an analysis of risk management information created from the financial information; and

allowing the agent to facilitate the implementation of the action.

137. (Previously Presented) An apparatus for a client to outsource financial functions to an agent representing a plurality of institutional or corporate clients, comprising:

means for providing financial information on one or more financial functions of a client to a computer of an agent;

means for enabling the agent to determine an action based on an analysis of risk management information created from the financial information; and

means for allowing the agent to facilitate the implementation of the action.

138. (Previously Presented) A computer-assisted method for an agent to provide financial functions to each of a plurality of institutional or corporate clients, comprising the activities of:

regarding a financial function of a client from the plurality of clients:

demonstrating to the client the potential transparency of activities of the agent;

receiving financial information at a computer of the agent;

analyzing risk management information created from, and in the context of, the financial information; and

facilitating implementation, on behalf of the client, of an agent's action based on the analysis.

139. (Previously Presented) A computer-assisted method for an agent to provide financial functions to each of a plurality of institutional or corporate clients, comprising the activities of:

regarding a financial function of each client from the plurality of clients:

receiving financial information at a computer of the agent;

analyzing risk management information created from, and in the context of, the financial information;

facilitating implementation of a decision of the agent that is based on the analysis; and

enabling the client to monitor through a network activities of the agent.